

**House of Representatives  
Criminal Justice and Corrections  
Committee Meeting Schedule - Interim 2004**

<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>	<b>COMMITTEE</b>	<b>SUBJECT</b>	<b>TYPE</b>
September 20-21	TBA	Olympia	Full Committee	(1) Victim Restitution. (2) Criminal Background Checks.	Work Session
December 2-3	TBA	Olympia	Full Committee	Department of Corrections Risk Assessment Tools and Community Supervision.	Work Session

**Project Title: Restitution**

**Project Goal:**

**To study ways to encourage offenders to pay court ordered restitution to victims of violence in a timely manner.**

**Project Description:**

Courts often sentence offenders to pay restitution to the victims of the offender's crimes. In most instances, a sentencing court is usually required to order the payment of restitution whenever a victim of the crime is entitled to crime victims compensation benefits. In addition, a court must order restitution when the offender is convicted of an offense which results in personal injury or property damage unless extraordinary circumstances exist that make restitution inappropriate.

When a court imposes restitution or other legal financial obligations, the judgment must identify the victim or victims entitled to restitution and the amount due to each victim. The court must also set a minimum monthly payment that the offender is required to make which may be modified upon a change of circumstances. Although the requirement that an offender pay a monthly sum towards a legal financial obligation is a condition of the sentence, restitution often goes unpaid for years.

The committee will study ways to assist victims in collecting restitution and to encourage offenders to pay their restitution in a timely manner, both in prison and in the community.

**Number & Type of Meetings:** 1 Work Session

**Completion Date:** December 2004

**Staff Assigned:** Yvonne Walker & Jim Morishima

**Project Title: Background Checks**

**Project Goal:**

**To make criminal history record information background checks more easily accessible to employers by eliminating long response times.**

**Project Description:**

The Washington State Patrol (WSP) discloses criminal background checks of applicants and employees to any business or organization in Washington that educates, trains, treats, supervises, houses, or provides recreation to persons with developmental disabilities, vulnerable adults, mentally ill persons, or children under 16 years of age, including but not limited to public housing authorities, school districts, and educational service districts. Law enforcement agencies, the Office of the Attorney General, prosecuting authorities, and the Department of Social and Health Services may also request background check information to aid in the investigation and prosecution of cases of abuse that may have involved a child, developmentally disabled person or vulnerable adult.

Occasionally it can take a while to get a timely background check back once it has been submitted to the WSP or the FBI (Federal Bureau of Investigation). It seems that each police department, the WSP, and the FBI has its own individual system for conducting background checks and finding missing persons, but they are each different. In 2003, the Attorney General's office established a work group to study the issues surrounding criminal background checks as well as missing person reports. In addition, the 2004 Legislature passed legislation (ESHB 2556) that established a Joint Task Force on Criminal Background Check Processes. This Task Force is required to review and make recommendations to the Legislature and the Governor regarding the criminal background check process and must, at a minimum, review the following issues:

- What state and federal statutes require regarding criminal background checks.
- What criminal offenses are currently reportable through the criminal background check program.
- What information is available through the Washington State Patrol and the Federal Bureau of Investigation criminal background check systems.
- What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers.
- What is the feasibility and costs for businesses and organizations to do periodic background checks.
- What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults.
- What are the benefits and obstacles of implementing a criminal history record information background check program.

Both the Attorney General's Office and the Joint Task Force on Criminal Background Check Processes will be invited to provide an update on their findings to the full committee in September.

**Number & Type of Meetings:** 1 Work Session

**Completion Date:** December 2004

**Staff Assigned:** Yvonne Walker & Jim Morishima

**Project Title: Department of Corrections Risk Assessment Tools and Community Supervision.**

**Project Goal:**

**To enhance public safety by examining current risk assessment tools and community supervision approaches used by the Department of Corrections to determine whether a felony offender poses a high risk to the community once he or she is released.**

**Project Description:**

A felony offender may be sentenced to a term of supervision in the community after his or her term of incarceration ends. Depending on the type of offense and when it was committed, the supervision in the community may be in the form of community supervision, community custody, post-release supervision, or both community custody and post-release supervision. However, it should be noted that all supervision in the community for felony offenders who commit their crimes on or after July 1, 2000, is in the form of community custody.

The Department of Corrections (DOC) is responsible for supervising in the community all felony offenders who have been evaluated by the DOC as posing high risk to the community; i.e., offenders who have been placed in the two highest risk categories by the DOC. Offenders are placed in risk categories using a risk assessment tool used by the DOC which is designed to consider the offender's risk of re-offense and the nature of harm done by the offender. The Department of Corrections and several community corrections officers will be invited to explain current risk assessment tools used by the Department of Corrections and to provide their insights on alternative risk assessment tools that may be used by the department in the future. The committee will examine ways in which community safety can be enhanced by altering the manner in which the department supervises offenders.

**Number & Type of Meetings:** 1 Work Session

**Completion Date:** December 2004

**Staff Assigned:** Jim Morishima & Yvonne Walker